

an outer hollow body surrounding said inner body and having a common central axis, said outer hollow body having an area comprising a translucent material which serves as a projection screen,

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concl.* an electric motor which rotates said inner hollow body about said axis with respect to said outer hollow body, whereby said images move with respect to said outer hollow body, and

a single light source located inside said inner hollow body, whereby said images are projected onto said projection screen by said light source.

Cancel claim 20.

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#### REMARKS

The amendment combines claims 13 and 20. The dependence of claim 20 from claim 1 was a clerical error in the last amendment.

The withdrawal of the previous rejections in view of the last amendment is noted with appreciation.

Claims 1, 3, 4, 6, 7, 11-15, 20, 26 and 27 stand rejected under 35 U.S.C. §103 as being unpatentable over Hernecq FR 2 575 575 (referred to by the examiner as "Herni"). Reconsideration and withdrawal of this rejection are requested for the reasons following.

Hernecq discloses a pair of concentric globes, the inner one bearing images of the continents and seas to form a likeness of earth, the outer one being half black opaque and half clear, the clear half being provided with clouds. The inner globe is driven to rotate and is provided with an internal light source to illuminate the inner globe, which is apparently translucent. Gearing

permits the clouds and black area to rotate separately. How this is accomplished is not apparent without a translation, but does not appear to be germane to the issue at hand.

The examiner states that it would be obvious "to provide the device of Hermi having both hemispheres of outer body made of clear material as second hemisphere in order to serve the outer body as a projection screen." This reasoning is flawed for two reasons.

First, making both hemispheres of a clear material would not provide a projection screen, since the image would not be projected onto the screen but through it, like a window. A projection screen is where a projected image appears, for example a movie screen or the translucent outer globe of the present invention.

Second, making both hemispheres of a clear material would completely defeat Herneccq's object of providing an earth globe with a night and day appearance, as it would appear from space. This would render the prior art invention unsatisfactory for its intended purpose, which is impermissible. In re Gordon, 221 USPQ 1125 (Fed. Cir. 1984). See also MPEP 2143.02.

In view of the foregoing it is felt that independent claim 1 and independently claim 13 as presently amended is clearly patentable over Herneccq, insofar as claim 1 recites an outer hollow body comprising a light transmissive material which serves as a projection screen, and claim 13 recites an outer hollow body comprising a translucent material which serves as a projection screen. The language "serves as a projection screen" may be considered functional language, but there is nothing inherently wrong with defining something in terms of what it does. In re Swinehart, 169 USPQ 226 (CCPA 1971). See also MPEP 2173.05(g).

The allowance of claims 22-25 is noted with appreciation. However, in view of the foregoing, it is felt that all claims of record are in condition for allowance.

## AMENDMENTS TO THE CLAIMS SHOWING CHANGES

### In the Claims:

Claim 13 has been amended as follows:

13. (Twice Amended) An apparatus for displaying images, said apparatus comprising
- an inner hollow body having a central axis and a surface with images thereon,
- an outer hollow body surrounding said inner body and having a common central axis, said outer hollow body having an area [which provides visibility of said images,]  
comprising a translucent material which serves as a projection screen,
- an electric motor which rotates said inner hollow body about said axis with respect to said outer hollow body, whereby said images move with respect to said outer hollow body, and
- a single light source located inside said inner hollow body[.], whereby said images are projected onto said projection screen by said light source.

It is believed that no fees or charges are required at this time in connection with the present application; however, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,

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